IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 32 OF 2006

Suparibag Central Co-op. Consumer Society Ltd. ... Petitioner

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Pradip Kadam for the Petitioner

Mr. R.M. Sawant, Government Pleader, with Mr. Amjad Sayed, Assistant Government Pleader, for the Respondents.

CORAM: KSHITIJ R. VYAS, C.J., &
S.C. DHARMADHIKARI, J.
DATE: MARCH 3, 2006.

P.C.:-

1. Rule. Mr. Sawant, learned Government Pleader, waives service on behalf of the respondents. Rule is made returnable forthwith.

2. It is contended by the petitioner that without following the procedure laid down under law, the respondents have taken possession of the premises in question, even with police

force. The learned Government Pleader appearing for the respondents does not dispute this fact.

3. It is manifestly clear that the respondents have violated the provisions of the Bombay Government Premises (Eviction) Act, 1948 and the Rules made thereunder. We, therefore, direct the respondents to restore the possession of the premises to the petitioner forthwith. Needless to say that after restoring the possession, the respondents will be at liberty to evict the petitioner after following the procedure of law.

4. Rule is accordingly made absolute.

CHIEF JUSTICE

S.C.DHARMADHIKARI,J.